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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/502,407	02/10/2000	Harry A. Glorikian	P690CIP1	5124

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EXAMINER
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CARDONE, JASON D

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/502,407

Applicant(s)

GLORIKIAN, HARRY A.

Examiner

Jason D Cardone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 9/14/04.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,4,6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to the remarks of the applicants, filed on 9/14/04.

Claims 1, 3, 4, 6 and 7 are presented for further examination.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 and 4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Both newly amended claims disclose "closed geographic boundaries". The specification does not specifically disclose closed geographic boundaries. Therefore, one skilled in the relevant art that the inventor(s), at the time the application was filed, would not have been able to understand the closed boundaries.

4. Claims 1 and 4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the

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invention. Both newly amended claims disclose that data entities are selected first by the geographic data category and then the other parameters, relative to time. The Specification does not specifically disclose the order in which the parameters are selected. As an example, claim 1 states the position parameter is selected after the category, which would retrieve an overload of data before narrowing the data with the use of the positional information.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. Claim 3 recites the limitation "region". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 3, 4, 6 and 7 rejected under 35 U.S.C. 102(e) as being anticipated by Hancock et al. ("Hancock"), USPN 6,202,023.
9. Regarding claim 1, Hancock discloses a multi-dimensional information repository, comprising: a plurality of data categories identified by closed geographic boundaries

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[Hancock, col. 5, line 53 – col. 6, line 64, col. 9, lines 42–64 and col. 27, line 28 – col. 28, line 22];

a plurality of stored data entities in each of the data categories identified according to position, relative to time [Hancock, col. 11, line 55 – col. 12, line 7, col. 19, line 48 – col. 20, line 15, col. 26, lines 12-41 and col. 27, line 28 – col. 28, line 22];

a data retrieval system [Hancock, col. 27, line 28 – col. 28, line 22 and col. 32, lines 4-50]; characterized in that the data entities are selected for retrieval by the retrieval system according to first the geographic data category, and then both the position and change in position relative to time within the geographic boundaries.

[Hancock, col. 9, lines 18-41, col. 11, lines 9-35, col. 28, line 49 – col. 29, line 67 and col. 32, lines 4-64].

10. Regarding claim 3, Hancock further discloses individual ones of the plurality of data structures are identified according to human-interest categories in addition to the geographic region, position and change of position [Hancock, col. 28, lines 9-65].

11. Regarding claim 4, Hancock discloses an Internet-connected subscription server system, comprising: a data repository having a plurality of data categories identified by closed geographic boundaries [Hancock, col. 5, line 53 – col. 6, line 64, col. 9, lines 42–64 and col. 27, line 28 – col. 28, line 22], each data category having data entities identified and selectable according to position and change in position within the

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boundaries of the category [Hancock, col. 11, line 55 – col. 12, line 7, col. 19, line 48 – col. 20, line 15, col. 26, lines 12-41 and col. 27, line 28 – col. 28, line 22];

a communication module for receiving data requests accompanied by position data; and a code set for managing retrieval of information from the data repository in response to the data requests [Hancock, col. 27, line 28 – col. 28, line 22 and col. 32, lines 4-64]; characterized in the system, receiving a data request, uses the position data accompanying the request to select a data category and then uses the direction and change in position to select data entities to retrieve [Hancock, col. 9, lines 18-41, col. 11, lines 9-35, col. 28, line 49 – col. 29, line 67 and col. 32, lines 4-64].

12. Regarding claim 6, Hancock discloses the system maintains subscriber information profiles, including subscriber interests, data requests identify individual subscribers, data entities are identified according to interest categories and the system accesses data entities at least in part according to interests of the user initiating the data request [Hancock, col. 28, line 38 – col. 29, line 67].

13. Regarding claim 7, Hancock discloses the data repository is a first data repository local to the Internet server the system, through the code set, accesses remote Internet-connected information sources, and retrieves information from the remote sources according to stored client interests and the position, direction and rate of change in position [Hancock, col. 9, lines 47-64, col. 24, lines 39-59 and col. 28, line 49 – col. 29, line 67].

***Response to Arguments***

14. Applicant's arguments filed 9/14/04 have been fully considered but they are not persuasive.

(A) Hancock does not disclose the unique categorization and identifying data entities and the order of selection.

As to point (A), Hancock does disclose data entities in each data category identified according to position, relative to time [Hancock, col. 11, line 55 – col. 12, line 7 and col. 27, line 28 – col. 28, line 22]. It is noted that the feature upon which applicant relies (i.e., unique categorization) is not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Hancock does disclose an order of selection. The user selects the category and can further define the interest [Hancock, col. 28, line 66 – col. 29, line 11]. The packet sent to the server also includes the positional information (location, speed, bearing) of the user. The server selects the data entities by category and positional information within the category [Hancock, col. 29, lines 12-62]. Hancock further discloses the positional information is updated (selected after the category) with an optional GPS. During patent examination and prosecution, claims must be given their broadest reasonable interpretation. *In re Van Geuns*, 988 F.2d 1181, 1184, 26 USPQ2d 1057, 1059 (Fed. Cir. 1993); *In re Prater*, 415 F.2d 1393, 1404, 162 USPQ 541, 550 (CCPA 1969).

***Conclusion***

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

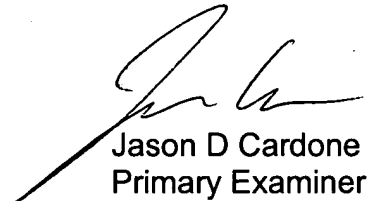
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D Cardone whose telephone number is (571) 272-3933. The examiner can normally be reached on Mon.-Thu. (6AM-3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jason D Cardone  
Primary Examiner  
Art Unit 2145

February 14, 2005